

K. Philodiscus.

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THE
CASE
OF
DILAPIDATIONS
FOR THE
Palace of *CHICHESTER*,
Impartially Stated.

— *Quid non mortalia pectora cogit*
Auri sacra Fames —

THE
CASES
OF
DILAPIDATIONS
FOR THE

PALACE OF CHICHESTER

Impartially Stated.

— And now available before the court
— Anti-Slavery Bazaar —

T O T H E
R E A D E R.

THE Papers contained in the following Sheets, are Mrs. Hare's Case with regard to the Dilapidations demanded by the Bishop of Chichester, the Bishop's Answer, and her Reply in a Letter of Mr. Naylor's to the Bishops of Sarum and Norwich, who were chosen Arbitrators between them. As these Papers fell accidentally into my Hands, and the Dispute, to avoid the necessary Expence and Tedioufness of a new Survey, was compounded between the two Parties without waiting for an Award, I thought I could do no less, in Justice to the Memory of my deceased Friend the late Bishop of Chichester, than to make them publick, that by doing so, the World might have it in their Power to judge, if there was any real Neglect in the late Bishop, or Equity in the Demands of the present.

PHILODICUS.

REFAD R. TO THE

THE Papers contained in the following sheets are
Mrs. Hare's Case with regard to the Disputes
demanded by the Bishop of Winchester, the Bishop of
Exeter, and her Reply in a Letter of Mr. Naylor to
the Bishop of Sarum and Norwich, who were chosen
Arbitrators between them. The above Papers will be
dealt into my Hands, and the Dispute, to avoid the
necessary Expense and Trouble of a new Survey, was
compounded between the two Parties without waiting for an
Award. I thought I could do no less in Justice to the
Memory of my deceased Friend the late Bishop of Chi-
chester, than to make them public, that by doing so, the
World might have it in their Power to judge if there
was any real Right in the late Bishop, or Equity in the
Demand of the present.

PHILIP DICKINSON

The CASE of Mrs. *HARE*, touching
the Claim of Dilapidations demanded by
the Bishop of *Chichester*.

THE See of *Chichester* being vacant on the Decease of the late Dr. *Hare*, the present Bishop was nominated for his Successor; and tho' the * Palace was left in better Condition than Houses almost ever are (the late Bishop leaving Orders, when-ever he was absent, to have the least Trifle repair'd the Moment there was Occasion for it) yet, as in so large a Building it is impossible some little Matters must not always be wanting, it was agreed two Workmen should be appointed (the one by Mrs. *Hare*'s Order, the other by the Bishop's) to take a Survey of what Repairs were wanting, and make an Estimate of their Expence: *Matthew Cooper* and *John Gates* were accordingly appointed, and the following Estimate was made by them jointly, and signed with their own Hands, May 30, 1740.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To 1 Square of Healing on the West Side of the Tower and the Cupola over the Bell, and repairing the Healing where it is wanting in general, ———	3	10	0
To repairing the Stocco Work on the South and West Side of the House ——— ———	1	5	0
To repairing and foldering the Gutters ———	0	15	0
To a new Sill to the Brew-house, and repairing the Door, and paving Stone to the same ———	0	05	0
	5	15	0

All which, if denied, can be proved by the Oaths of several
Witnesses.

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* Nor was the Bishoprick less remarkable for the Condition it was left in than the House, three of the Leases hanging upon single Lives, the Renewal of which, to fill up the two deficient ones, was worth upwards of Five Thousand Pounds.

The King going that Summer abroad, the Bishop was not compleat in his Preferment till his Return, after which he thought fit to send the following Papers to Mrs. *Hare*, the Copies of which are here subjoined.

The Rt. Rev. the Lord Bishop's Bill for Plumber's Work.

		l.	s.	d.
1740.	For 23 lib. of Solder to mend the Gut-			
24 June.	ters upon the House, at 9 d. per lib. -- }	0	17	3
	For 3 qrs. Days Work, 2 Men ditto —	0	3	9
4 July.	For 20 lib Solder to mend the Gutters, at }	0	15	0
	9 d. per lib. — — — — — }			
	For a Day's Work, two Men ditto —	0	5	0
12 June.	For new casting and laying 38 C. 1 qr. of }	7	13	0
	old Lead over the Alcade, at 4 s. per C. }			
	For 10 C. 20 lib. of new Sheet Lead more }	10	13	11 $\frac{1}{4}$
	than the old, at 2 d. 1 half per lib. -- }			
15	For 6 lib. Solder to solder in two Sockets }	0	4	6
	over the Alcade. — — — — — }			
	For 1 half Day's Work, two Men —	0	2	6
		20	14	11 $\frac{1}{4}$

An Estimate of Repairs taken at the Palace, 27 Oct. 1740. by Owen Apps, as follows, to wit.

For new Pannels to the Window Seats in the blue Room and Study	— — — — — }	0	3	0
For Window Seats, Backs, Jams, and Piece of Cornish in the three upper Rooms —	— — — — — }	0	8	0
For 26 Yards and half of Wainscoting in the Chapel, at 2 s. 6 d. per Yard	— — — — — }	3	6	3
For mending the Altar-Piece	— — — — — }	0	5	0
For mending the Coach-house Gates, and Iron Twist to ditto	— — — — — }	0	3	6
For a new Sill to the Brew-house Door, and mending the Door, and fastening the other Door Case ---	— — — — — }	0	2	6
For mending the Floor over the Gateway —	— — — — — }	0	2	0
For mending the Shoots over the Chapel, and new pitching ditto	— — — — — }	0	6	6
		4	16	9

*The Dilapidations of the Palace Chichester viewed
and estimated by Richard Lemon.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
1740. } To a Lead Gutter 85 Foot long, suppo- O ~~ct~~ ob. 28. } fed to be 16 C. which to be new Cast } at 4 s. per C. }	3	4	0
To 4 C. New Lead to make it good	4	4	0
To 200 Foot of Boards to the Gutter Bed	2	10	0
To 170 Ft. of Qr. to ditto with Work and Nails	1	5	0
To 150 Yards of Stocco at	7	10	0
Seven Squares of Tiling to be stript	5	5	0
To mending of Tiling	1	0	0
Slating over the Bell	0	10	0
	25	8	0

Then in *August* 31. 1741. here comes another Charge with this Preamble.

*An Estimate of the Dilapidations of the Outside of the Garden Wall
of the Palace in Chichester.*

To repair the worst of those Places already fallen down will cost at the lowest Estimate, as adjudged by <i>Richard Lemon</i> , and <i>Matthew Cooper</i>	35	0	0
Paid before for repairing a Breach in the said Wall	3	0	0

So that the Sum demanded for Dilapidations by the Bishop amounts to 88 *l.* 19 *s.* 8 *d.* $\frac{1}{4}$.

A Demand widely distant from the first Estimate, but how unreasonable a one, will appear from the following Considerations.

Imprimis,

Imprimis, Can there be any Pretence for not abiding by the first Estimate made by two indifferent Workmen appointed by mutual Consent?

Secondly, Supposing there could be any Shadow of Reason for setting aside the abovementioned Estimate, what Stress or Weight can be laid upon any of the others, made by the Order of the Bishop only, by his own Workmen, who had no Check upon them to examine the Necessity of the Articles they charged, or the Reasonableness of the Prices, and who were likely to be Gainers in Proportion to the Work they could swell out for themselves? Surely People that have so strong a Bias to sway their Judgment, are very improper Evidence to be relied upon: And as for what the Bishop may have already laid out in Repairs, he should prove them necessary ones before he can pretend to be reimbursed by his Predecessors.

Thirdly, Supposing the Estimate of the Repairs made at the latter End of *October* were just ones, will Law, Reason, or Common-Sense oblige Executors to keep a House in Repair Six Months after the Decease of the Incumbent? Surely all that can be desired, is to leave the Palace in good Condition, when one leaves the See; and every one knows to keep such a House in repair for Six Months may very well cost 25 or 30 Pounds; and this the late Bishop has often said, cost him one Year with another Fifty Pounds in Repairs, though he found it in so good. Storms, High Winds, and even Rains will hurt Tiling, Lead and Stocco; and who should bear the Expence of maintaining them, but he that receives the Profits? Thus much for general Objections to the Estimates. The particular Articles will not appear on Examination less liable to Exception.

In the first Bill, there are two Articles at least for new laying the Leads over the Arcade amounting to 18 *l.* 6 *s.* 11 *d.* $\frac{1}{4}$. tho' it appears there was an Allowance by the Workmen who viewed them *May* 30, for foldering them, who did not apprehend any Necessity of new-laying them.

In the Second Bill there is 3 *l.* 11 *s.* 9 *d.* for the Repairs of the Inside of the Chapel. As the Waincote being painted might be rotten without being observed, and could scarce grow so in Six Months Time, Mrs. *Hare* is ready to allow this Article, tho' she thinks it charged at too high a Rate. But as for Window-Seats cracked by the Sun, that might very well happen during the Summer,

Summer, and if not, who ever reckoned such Things Dilapidations?

In the third Bill bearing Date 28th of *October*, the four first Articles amounting to 11 *l.* 3 *s.* are for new laying a Gutter, and the Pretence for it was its being originally done in an unskilful Manner, and not carrying off Water so well as it might, on hasty Rains.

Surely the Bishop might as well have desired the Rooms to have been disposed in a different Manner, or the Windows turned on the other Side of the House, that he might have been less incommoded with the Sun: But what makes the Demand still more extraordinary, is, that he has charged the soldering of this Gutter 24th of *June*: So that he expects Mrs. *Hare* first to mend and then new make; he certainly would not trifle so with his own Money, and should not do so with other Peoples.

The fifth Article is 7 *l.* 10 *s.* for 150 Yards of Stocco, the greatest Part of which, according to Mrs. *Hare*'s Information, had no other Fault, than being somewhat discoloured; and if it had, it is the Opinion of many, that Stocco on the Outside of a House, being only an Ornament, cannot enter into Dilapidations, and that if the Breaches are stopped up, it is not necessary to do it with Stocco, but that common Mortar is sufficient: However there was an Allowance of 1 *l.* 5 *s.* for repairing it, which was all that was necessary in *May* 30, 1740. The Three last Articles relate to the Covering, and are swelled from 3 *l.* 10 *s.* to 6 *l.* 15 *s.* a Difference to be very well accounted for by the Interval of Time.

In the last Bill are two Articles for the Repair of the Garden Wall, one of 3 *l.* the other of 35 *l.* the last bearing Date 31st of *August*, 1741, 16 Months after the Vacancy of the See; the Date of the other Article the Bishop has only told us preceded that time, how long is not known: But if there were Occasion for laying out the 35 *l.* when the 3 *l.* was, why was it not done; and if it was not, why is it charged to Mrs. *Hare*?

In the Period of 16 Months, a Garden Wall might have been blown down, tho' ever so firm a one; but to shew how necessary such a Repair was, the Garden Wall is now standing, 23 Months after the late Bishop's Death, without it.

'Tis indeed probable, that if all this Money was laid out upon the Wall, it would stand so much the longer before it wanted any
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fresh Repairs, and that if the Gutters were new laid and Arcade new leaded, it would be the longer before they wanted soldering; but for the same Reason the Bishop might as well have expected his House to be new built, as new Houses are likely to require less annual Repairs than old ones.

For these Reasons Mrs. Hare hopes the first Estimate will be adjudged valid, with the Addition of 3 l. 11 s. 9 d. for the Chapel (the Defect of the Wainscott of which might possibly have been overlooked for the Cause above assigned) especially, as it will be extremely difficult, if a new Estimate be taken, to know what Repairs were necessary at the Vacancy of the See, and what have become so since.

The CASE between Mrs. *Hare* and the Bishop of *Chichester* about Dilapidations.

On the Part of the Bishop.

SOON after the Bishop had been nominated to the See of *Chichester*, he received a Message from Mrs. *Hare* by Mr. *Conway*, that she was willing he should have the Refusal of the Goods and Furniture of the House at *Chichester*, if he was disposed to purchase them. The Bishop answered (with Thanks for the Offer) That he should be very willing to take all the Goods and Furniture, if they could agree about the Price of them. And in order to settle the Price, the Bishop proposed to Mrs. *Hare* by Mr. *Conway*, that if she pleased to send one Appraiser to *Chichester*, the Bishop would send another, and what they agreed to be the Value of the Goods and Furniture, the Bishop would be willing to give for them; but in case the Appraisers differed, then any such Difference was to be adjusted between themselves.

The Bishop at the same Time proposed to Mrs. *Hare* by Mr. *Conway*, That as to Dilapidations, if Mrs. *Hare* would order her Appraiser

Appraiser to appoint one Workman, the Bishop would order his to appoint another, and that an Estimate of Dilapidations made by two Workmen so appointed should be binding to both Parties. Mr. *Conway* then told the Bishop, that in general the House was in good Condition, but some Repairs were necessary to be done. He instanced particularly in the Chapel, where he said the Wain-scott was very much decayed. He mentioned likewise the Bed-chambers up two Pair of Stairs in the Front of the House, where he said the Rain came in, and that the Fault was in the Leaden Gutters, which wanted to be taken up and new laid. He said his Master had been so sensible of the bad Condition of this Part of the House, that he designed to have the Tiling stript, and the Leaden Gutters new cast, but did not live to see these Things done.

The Bishop received a second Message from Mrs. *Hare* by Mr. *Conway*, within a few Days after the former, to acquaint him that she agreed to what he had proposed to her by Mr. *Conway* about settling the Price of the Goods and Furniture, and estimating Dilapidations. Mr. *Conway* then repeated what he had said, when he was with the Bishop before, concerning the Chapel, and the Bed-chambers, which the Rain came into.

Two Appraisers were sent to *Chichester*, and each of them appointed a Workman to estimate Dilapidations, and both of them agreed in an Estimate, amounting in the whole to 5 *l.* 15 *s.* This Estimate was made in *May*, and the Bishop never in the least suspected any unfair Practices, as to the Manner of making it, till the *September* following.

As the Bishop had been only nominated, and could not be possessed of the See of *Chichester* till the King's Return from *Hanover*, he spent that Summer at *Cambridge*, where in *September* a Gentleman made him a Visit, who had been that Summer at *Chichester*, He told the Bishop, that he had walked round the Gardens, but saw nothing of the Palace excepting the Outside, That he had observed the Stocco-work in the Front of the House to be in a very ruinous Condition; That some Parts of it were fallen from the Walls; That in a great many other Places it was swelled and projected from the Walls so as to be visible to the naked Eye at a great Distance; and was so bad that it would be necessary to take it all down, and to have the whole Front of the House new stoccoed.

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This Account so surprized the Bishop, that it determined him to make a Journey to *Chichester*, which he did the *October* following, when he found the Stocco-work to be in so bad Condition that he new stoccoed the Front of the House the next Summer.

On inquiring how the Estimate had been made, he found that Mr. *Conway* had been at *Chichester* with Mrs. *Hare's* Appraiser; and that he had taken upon him to shew the Workmen the House, but had not shewn them the Chapel, where he himself had told the Bishop, Repairs were necessary to be done.

When the Bishop returned to *London*, he sent Mrs. *Hare* Word by Mr. *Cummins*, That as a Servant of her's had taken upon him to shew the Workmen the House, but had shewn them only what he thought fit, and not the whole House, the Bishop did not think himself bound by the Estimate, but should look upon it as null and void.

Mrs. *Hare* insisted on the Validity of the Estimate, and by Mr. *Cummins* offered the Bishop two Guineas, in Consideration that Mr. *Conway* had forgot to shew the Workmen the Chapel; the Bishop refused to accept the two Guineas, but did at that Time, and several Times afterwards, propose to Mrs. *Hare* by Mr. *Gell* and Mr. *Cummins* either the making a new Estimate, or leaving the Matter to Arbitration.

The Bishop never received any Answer from Mrs. *Hare*, that she agreed to either of those Proposals, till very lately, when she acquainted the Bishop by Mr. *Cummins* that she was willing to leave the whole Affair to the Arbitration of the Bishops of *Sarum* and *Norwich*.

The Workmen did not survey the Roof of the covered Passage in the Front of the House, where the Rain came in much more than it did in the Bedchambers; nor did they view the Garden-Wall, the much most expensive Parts of the Dilapidations.

Q. — *Whether by an Estimate that should bind both Parties ought not to be understood an Estimate made on a Survey of the whole House, at least of the most decayed and ruinous Parts of it, and not made under the Direction or Influence of the Agents of either of the Parties concerned?*

MY LORDS,

I have perused the Case, by which the Bishop of *Chichester* attempts to support his Claims, and am sorry to find him betray in it so defective and so uncertain a Memory, sometimes remembering what no one else can, and at others forgetting, what one would imagine must have made too strong an Impression to be so soon, so easily forgotten.

In the second Paragraph the Bishop gives an Account of a Conversation that passed between him and *Conway*, who told him, it seems, of the Ruinous Condition of the Wainscott in the Chapel, and of a Design the late Bishop had to strip the Tiling, and new lay the Gutters, had he lived to put it in Execution. Now must not his Memory strangely deceive him, in a Thing he lays so much Stress on, since *Conway* is ready to declare on Oath, that the first he does not remember being mentioned, and the second he never said? Besides, my Lords, what Likelihood, what Probability is there, that the same Person should unnecessarily acquaint him with Repairs that were wanting in the House, whom he afterwards represents using *Unfair Practices* to hide those very Wants from the Workmen who made the Survey? What Temptation, what Inducement could he have for the first, and what Benefit could he hope from the second? Would not the Bishop expect to find an Allowance in the Estimate for Repairs he had been told were necessary ones, and suspect that Estimate as an unfair one, where none such was to be found? And yet he says in Paragraph the 4th, he never in the least suspected it, till the *September* following. Had there been any Consciousness of such Practices, as the Bishop would insinuate, would not the Payment of the Money have been hastened, and a Receipt for it procured, as soon as possible, that he might have had the less Time to discover what they were? The Thing, my Lords, speaks for its self, and were *Conway* dead, and not able to answer for himself, the Circumstances, in my humble Opinion, carry the strongest Probability, that the Bishop must be mistaken in what he says pass'd between Him and *Conway*,

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as he is in fancying there was any Design or Thought to influence the Workmen in their Survey.

In the Fifth Paragraph he proceeds to relate part of another Conversation between himself and a Gentleman who made him a Visit at *Cambridge*. Whether his Lordship's Memory may have been exacter in this than the preceeding one, I will not take upon me to determine; but if it has, this is at best but a very imperfect Account, as to the Quantity of Stocco wanting, and the Time it was so, from a Person who by his own Confession took only a slight View of it, and at a Distance, and who perhaps was no Judge of it: So that very possibly, what he took for *swelling and projecting from the Walls* in some Places, was only the Effect of its being discoloured and grown black in others. Your Lordships know, that nothing is more easy, than by a Mixture of Light and Shade to deceive the Eye, and make an Appearance of Risings and Fallings, where in Reality there are none: To make such regular, and ornamental, must indeed be the Work of Art, but simply to produce them mere Accident and Chance? The Bishop, to give more Weight to this Gentleman's Remark, adds, that this Defect was so great *as to be visible to the naked Eye*. I would ask, if he ever heard of viewing Stocco through a Microscope to examine the Parts of it more minutely? For my own Part I never did, and I believe no one else, except this is a late Improvement of his own.

The Sixth Paragraph is an Account of his Journey to *Chichester* in *October*, and of his new Stoccoing the Front the next *Summer* (that is above a Year after the Vacancy of the See) and there is no Proof, whether he had any other Reason for doing it, even then, except the rendering it more beautiful to the Eye; but if your Lordships are of Opinion, that Stocco on the Outside of a House is not Dilapidations, as is set forth in Mrs. *Hare's* Case, then this Paragraph and the preceding one might both have been suppressed.

In the Seventh Paragraph the Bishop mentions a Discovery he made at *Chichester*, that *Conway* had taken upon him to shew the Workmen the House, but had not shewn the Chapel, or according to his Words in the next Paragraph, *had shewn them only what he thought fit*, and in Consequence of this Discovery he pretends to invalidate the first Estimate, as made (as he calls it in the latter

Part

Part of his Quære) under the Direction or Influence of the Agents, one of the Parties concerned. This, my Lords, is indeed a heavy Charge in the Light the Bishop represents it; but it will, I doubt not, on Examination, take a quite different Face; for though it is partly answered in the Remarks on the Second Paragraph, I will say something further of it here. Who then, my Lords, was so fit to shew the House, as a Servant who had lived there for several Years? And was it not natural that Mrs. *Hare*, who had then Goods in the House, should have such an one to attend the Workmen whether they went? Was it *Conway*, who kept the Keys? Were they refused Admittance into any Place they wanted to go? Was not *Green* the Bishop's Appraiser along with them, as well as *Conway*? and if we come to supposing, Why may one not as well suppose *Green* to direct and influence the Workmen as *Conway*? The Wainscott in the Chapel was indeed overlooked, there is a Reason given in the Case why that might easily be so; but as *Green* knew there was a Chapel, had been in it, and attended the Workmen in the Survey, surely it is highly unreasonable to lay this to *Conway's* Charge, and to impeach the Validity of the Estimate upon this Account.

In Consideration of this Omission with Regard to the Wainscott, Mrs. *Hare* offered the Bishop by Mr. *Dickenson* (not Mr. *Cummins*) three (not two) Guineas, which was the Sum the Repairs of the Wainscott were valued at by an indifferent Person.

How the Bishop in the Ninth Paragraph can confound the Persons and Sums is surprising. If he can so forget Mr. *Dickenson's* Visit, and his Offers, I dare say, Mr. *Dickenson* will not the Bishop and his Usage. Nor should I have imagined he would so soon have wanted to be reminded of a Visit I made him at Mr. *Gell's*, to tender him the same Sum.

In the same Paragraph, he mentions several Proposals he made of leaving the Matter to Arbitration, whereas no one else remembers hearing the least Syllable about such a Thing, till it was proposed to him from Mrs. *Hare* by Mr. *Cummins* (and then he so long considered what Answer he should give, that he remained silent for sometime without giving any.)

In the last Article he asserts, that the Workmen did not Survey the Roof of the covered Passage in the Front of the House. In this give me leave to say, my Lords, the Bishop is misinformed,

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as I can bring Witnesses, that one of the Workmen at least, got out of the Window of the Staircase, upon that very Roof in Order to survey it.

This is all I have to say, my Lords, by way of Remarks upon his Lordship's Case, and support of Mrs. *Hare's*, which however weak, I shall use no Fictions to support. What Facts I have asserted, I can, if required, bring Evidence of; whereas the Stress of his Lordship's Case depends upon Particulars of Conversations, that he has mistaken, Proposals of Arbitrations, Mrs. *Hare* never heard of, and undue Influence of her Agents on the Workmen, that was never thought of.

Q. Whether so partial a Memory, as the Bishop's appears in several Instances, is to be relied upon in any, and whether such base and unfair Practices, as he charges us with, could enter into any, but a base and ungenerous Heart?

I am, My Lords,

April 19, 1742.

Your Lordships most obedient

and most humble Servant,



